Remarks

Claims 1-4, 6-14, and 16-20 are currently pending in the subject application, and are presently under consideration. New dependent claims 21-26 have been added herein to emphasize various aspects of the subject invention. A clean version of all pending claims is found at pages 2-5. A marked-up version showing new claims 21-26 is found at page 9. Favorable reconsideration of the application is requested in view of the comments herein.

I.   Rejection of Claims 1-4, 6-14, and 16-20 Under 35 U.S.C. §102(e)

Claims 1-4, 6-14, and 16-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by McCollom, *et al.* (US 6,343,274). Withdrawal of this rejection is respectfully requested for at least the following reasons. McCollom, *et al.* neither discloses nor suggests each and every element of applicants' application as recited in the subject claims.

> For a prior art reference to anticipate, 35 U.S.C. § 102 requires that "each and every element as set forth in the claim is found, either expressly or inherently, described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Independent claims 1 and 11, recite selecting an ad to be displayed on a web page as one of a plurality of ads within a current cluster, each of the plurality of ads having a respective selection probability for being displayed, whereas independent claims 8 and 18 recite detecting activation of a display message, the display message associated with a current cluster and having a selection probability within the current cluster for being displayed.

Contrary to the present invention as claimed, McCollom, *et al.* entails an ad-slot purchasing system - merchants have an option of buying slots for ads and categorizing the ads according to their preferences. The merchants can log on to the system with an ID and a password insuring privacy of access to the ad preferences (*See* col. 5, lines 5-62). McCollom, *et al.* does not teach or suggest each of the plurality of ads or display messages having a selection probability for being displayed as recited in the subject claims. For example, in the present invention as claimed, each cluster will associate a probability to respective ads or messages within the cluster. The ads within a cluster are assigned this probability as the probability of being displayed to the user. Therefore, based on, for example, the

current user and/or type of the web page, the ads or messages within a cluster will have an assigned probability of being displayed (*See* p. 12, lines 8-21).

In addition, independent claims 1, 8, 11 and 18, recite transmitting information to an entity associated with an add or display message upon detecting activation of the ad or display message, the information regarding the current cluster. McCollom, *et al.* does not teach or suggest transmitting information regarding the current cluster associated with the ad or display message. A merchant within McCollom, *et al.* must request a report and then specify the information wanted within the report (*See* col. 6, lines 52-55). In the present invention, the transmitted information regarding the current cluster associated with the ad or display message is transmitted to the entity upon click-through, for example - the entity does not request any report. The information provided at click-through enables the advertisers to learn general information such as what group of users the users are within (*See* p. 3, lines 13-22).

In view of the above, it is submitted that the subject invention as recited in independent claims 1, 8, 11 and 18, (and claims 2-4, 6, 7, 9,10, 12-14, 16, 17, 19 and 20 which respectfully depend there from), is neither anticipated nor made obvious by McCollom, *et al.* and withdrawal of this rejection is respectfully requested.

II.   **Allowability of Claims 21-26**

New dependent claims 21 through 26 were added herein to highlight various aspects of the subject invention. In particular, claims 21–26 recite dynamically tailoring or altering a web page, display, or ad based on the information transmitted to the entity after detecting activation of the displayed ad. Such claimed aspects of the invention provide for real-time based modifications to web pages, displays, and/or ads so as to facilitate advertising optimization. These claims recite features neither disclosed nor suggested by the cited art alone or in combination. Therefore, in view of the above comments with respect to the cited reference, it is believed these claims are also in condition for allowance.
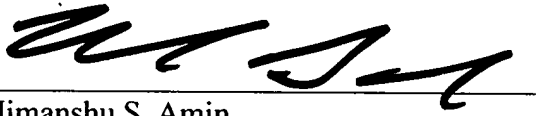
III. Conclusion

The present application is believed to be condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

The Examiner is invited to contact applicants' undersigned representative over the telephone to expedite favorable prosecution of the subject application.

Respectfully submitted,
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MARKED UP VERSION SHOWING CLAIM AMENDMENTS

In the Claims:

Please add new claims 21 through 26 as indicated below.

--21.   (New) The method of claim 1, further comprising dynamically tailoring the web page based upon the transmitted information.

22.   (New) The method of claim 1, further comprising dynamically tailoring the ad displayed based upon the transmitted information.

23.   (New) The method of claim 8, further comprising dynamically tailoring a display based upon the information regarding the current cluster.

24.   (New) The method of claim 8, further comprising dynamically tailoring the display message based upon the information regarding the current cluster.

25.   (New) The medium of claim 11, the method further comprising automatically changing at least one of the web page and the ad displayed based upon the information regarding the current cluster.

26.   (New) The medium of claim 18, the method further comprising automatically changing at least one of a display and the display message based upon the information regarding the current cluster.--